

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 00-1074-CV-W-ODS |
| |) | |
| CLINTON L. STANCIL, |) | |
| |) | |
| Defendant. |) | |

REPORT AND RECOMMENDATION AND ORDER

On January 22, 2010, the United States filed a Motion for Examination of Judgment Debtor. On February 2, 2010, this case was referred to this Court for processing and handling, pursuant to Local Rule 72.1(k) and 28 U.S.C. § 636. On February 4, 2010, this Court entered an Order Setting Examination of Judgment Debtor requiring defendant Clinton L. Stancil to appear on April 21, 2010, to undergo an examination, under oath, concerning his ability to satisfy plaintiff's judgment. A copy of the Order Setting Examination of Judgment Debtor was served upon the defendant, by regular and certified mail, at the defendant's last known address of 5811 Blue Hills Road, Kansas City, Missouri 64110. The certified mail was served by the United States Postal Service as evidenced by the green card filed on February 8, 2010. Notice of the examination sent to the defendant by regular mail was not returned by the United States Postal Service. The defendant failed to appear on April 21, 2010, for the examination as ordered.

A Motion for Order to Show Cause why Defendant Should not be Held in Contempt was filed by the United States on April 22, 2010. On April 23, 2010, this Court issued an Order to Show Cause directing the defendant to show cause, in writing, within fifteen days from date of the Order why he should not be held in contempt for failing to appear on April 21, 2010, as ordered. The

defendant was warned that failure to respond to this Court's show cause order would subject him to arrest and punishment for contempt. As of this date, the defendant has not filed a response to this Court's April 23, 2010, show cause order.

Defendant Clinton L. Stancil has failed to show cause why he should not be held in contempt for failing to appear at the April 21, 2010, judgment debtor examination. Accordingly, it is

RECOMMENDED that the United States District Court Judge, after making his own independent review of the record, hold the defendant in contempt of this Court, and direct the United States Marshal for the Western District of Missouri to arrest the defendant, and bring him before the Court. It is further

ORDERED that the Clerk of the United States District Court is directed to serve a copy of this Report and Recommendation, by certified mail and regular United States mail, upon the defendant, Clinton F. Stancil, at his last known address of 5811 Blue Hills Road, Kansas City, Missouri 64110.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within 14 days. If additional time is needed, a motion for an extension of time must be filed within ten days. The motion should state the reasons for the request. See Nash v. Black, 781 F. 2d 665, 667 (8th Cir. 1986) (citing Thomas v. Arn, 474 U.S. 140 (1985); Messimer v. Lockhart, 702 F. 2d 729 (8th Cir. 1983)). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

/s/ **JOHN T. MAUGHMER**

John T. Maughmer
United States Magistrate Judge